

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLARENCE JAY FAULKNER.

Plaintiff,

v.

ISRAEL "ROY" GONZALEZ, MICHAEL
PARIS, LIZA ROHRER, CHERYL
SULLIVAN, TERRI MATSEN,
WASHINGTON DEPARTMENT OF
CORRECTIONS.

Defendants.

CASE NO. 3:15-CV-05072-RJB-JRC

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL AND
ORDERING DEFENDANTS TO
SHOW CAUSE**

Before the Court is plaintiff's motion to compel discovery, Dkt. 28. Defendants filed a response, Dkt. 29, and plaintiff filed a declaration in reply, Dkt. 30. The Court denies plaintiff's motion because plaintiff has failed to state how defendants' discovery responses are insufficient. However, the Court orders defendants to show cause within 7 days.

22 On November 10, 2015, the Court entered an order denying plaintiff's motion to compel
23 because plaintiff failed to state whether defendants' discovery responses were untimely and how
24 defendants' responses were insufficient. Dkt. 27.

1 On November 19, 2015, plaintiff filed this renewed motion to compel. Dkt. 28. Although
 2 plaintiff's motion is unclear, it appears that plaintiff contends that defendants provided partial
 3 responses to plaintiff's discovery requests on August 14, 2015, but that defendants have not
 4 supplemented those responses as promised by October 30, 2015. *Id.* at 3-5. Plaintiff contends
 5 defendants have "far extended the timeframes allowed by the FRCP regarding discovery
 6 responses" and that he has yet to receive the answers and productions promised to him by
 7 October 30, 2015. *Id.* at 5.

8 Defendants respond that they continue to pursue responses to plaintiff's discovery
 9 requests and will provide plaintiff with responses as they are obtained. Dkt. 29.

10 When a party fails to answer an interrogatory under Rule 33 or fails to permit inspection
 11 of documents under Rule 34, the requesting party may move the court for an order compelling
 12 discovery. Fed. R. Civ. P. 37(a)(3). For purposes of such a motion, "an evasive or incomplete
 13 disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." Fed.
 14 R. Civ. P. 37(a)(4).

15 Here, plaintiff's motion and declaration are vague and unspecific and fail to account for
 16 the documents that have been produced by defendants and how defendants' discovery responses
 17 are insufficient. Because plaintiff fails to specify what documents he received and what
 18 additional documents he believes should have been produced, there is nothing upon which the
 19 Court may base an order compelling the production of additional documents. Accordingly,
 20 plaintiff's motion to compel is denied without prejudice.

21 However, while it appears that defendants are attempting to obtain the documents
 22 requested by plaintiff, it does not appear that defendants have timely and diligently responded to
 23 plaintiff's requests. Thus, the Court orders defendants to show cause within 7 days stating: (1)
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1 what documents they are still waiting to obtain; (2) the reason for the delay in production; (3)
2 whether defendants are in possession of the documents plaintiff seeks to compel; and (4) a
3 timeline for the production of those documents. The Court also anticipates that the parties will
4 confer as necessary and make a good faith effort to resolve their discovery disputes.

5 Dated this 14th day of December, 2015.

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8 J. Richard Creatura
9 United States Magistrate Judge
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